

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

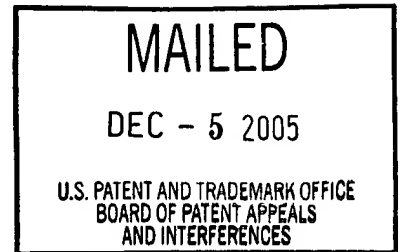
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Ex parte PETER NASH,  
JOHN W. ROSEVEAR, and  
DONALD L. ROBINSON

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Application No. 09/616,843

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

This application was electronically returned to the examiner on August 16, 2005 because the Phoenix Applications Management System Table of Contents indicated that a Reply Brief was filed on 06/09/2004 but did not show that this paper was considered by the Examiner. Additionally, the PALM INTRANET Content Information contained an entry for a Reply Brief, but did contain an entry titled "Reply Brief Noted by Examiner" for 08/16/2004. A search of the electronic file indicates that a Reply Brief dated 06/09/2004 was in the

record. The application is now before the Board for consideration for a second time.

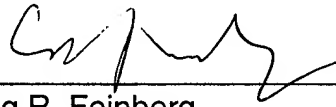
June 9, 2004, applicants filed a Reply Brief. On August 16, 2005, an Order Returning Undocketed Appeal was mailed. Applicants responded to the order on September 29, 2005, along with another copy of the Reply Brief of June 9, 2004. The examiner mailed an action responding to the Reply Brief on October 7, 2005. Since the action mailed October 7, 2005 presents additional arguments, it is considered to be a Supplemental Examiner's Answer. Consequently, the paper does not comply with 37 CFR § 41.43, in that a Technology Center Director or their designee must approve the Supplemental Examiner's Answer in accordance with MPEP § 1207.05.

Accordingly, it is hereby

**ORDERED** that the application is remanded to the examiner to:

- (1) acquire the appropriate Technology Center Director's or their designee's approval for the Supplemental Examiner's Answer; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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